

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Trinh et al.**

Appl. No.: **09/306,986**

Filed: **May 7, 1999**

For: **A Method for Synthesizing a Nucleic
Acid Molecule Using a Ribonuclease**

Confirmation No.: 4261

Art Unit: 1652

Examiner: Hutson, R.G.

Atty. Docket: IVGN 202

**Request to Reopen Prosecution Under 37 C.F.R. § 41.50(b)
and Reply Under 37 C.F.R. § 1.111**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-captioned application is presently on appeal to the Board of Patent Appeals and Interferences (“the Board”). On April 22, 2008, a Decision by the Board was issued which reversed the rejection of claims 8-12, 56 and 70-73 under 35 USC § 102(b), over Major in view of Deana and Belasco and the rejection of claims 8-12, 56, and 70-73 under 35 USC § 103(a), over Major in view of Maudru. The Board issued a new ground of rejection of claim 8 under 35 USC § 102(b) over Maudru. Applicants respectfully request that prosecution of this case be reopened under 37 CFR § 41.50(b) with respect to the new ground of rejection to avoid termination of the appeal as to the rejected claims.

Concurrently, Applicants hereby submit an amendment of the currently rejected claim for the Examiner to reconsider. It is believed that this reply is proper under 37 C.F.R. § 41.50(b), as it is filed within two months after a decision on appeal by the Board.

The amendments and remarks accompanying this reply are responsive to the new ground of rejection (issued April 22, 2008 by the Board) within the meaning of 37 C.F.R. § 1.111. Also, in accordance with 37 C.F.R. § 1.121, the amendments and remarks are provided in the following format:

- (A) Each section begins on a separate sheet;
- (B) Starting on a separate sheet, a complete listing of all of the claims:
 - in ascending order;
 - with status identifiers; and
 - with markings in the currently amended claims;
- (C) Starting on a separate sheet, the Remarks.

Applicants believe that no fees are required in connection with this filing. However, if any fees are due for or extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required are hereby authorized to be charged to Deposit Account No. 50-3994.